

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTHONY SINGER, DANIEL MARKS and HOWARD MARKS

Appeal 2006-2836
Application 09/923,673
Technology Center 3700

Decided: April 16, 2007

Before WILLIAM F. PATE III, TERRY J. OWENS, and
ANTON W. FETTING, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellants appeal from a rejection of claims 1-7, 10 and 19-27. Claims 8, 9 and 11-18 stand withdrawn from consideration by the Examiner as claiming a nonelected invention.

THE INVENTION

The Appellants claim a slot gaming machine and a method of playing a slot game. Claim 1 is illustrative:

1. A method of playing a gaming device in which each slot game has a plurality of reels, a plurality of symbols associated with each reel and a plurality of pay lines comprising:

a) providing a gaming machine with a single main screen which displays at least a first slot game and second slot game thereon;

b) configuring the first slot game to operate independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the determination of an outcome on each pay line; and

c) providing a common pool of credits from which each slot game uses credits to make wagers and to which each slot game accrues awards from any winning occurrences on the slot game.

THE REFERENCES

Itkis	US 4,856,787	Aug. 15, 1989
Gatley	GB 2 239 547 A	Jul. 03, 1991
Piechowiak	US 6,012,982	Jan. 11, 2000
Thomas	US 6,190,255 B1	Feb. 20, 2001

THE REJECTIONS

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 1-7, 10, 19, 20 and 25-27 over Gatley in view of Piechowiak and Itkis, and claims 21-24 over Gatley in view of Piechowiak, Itkis and Thomas.

OPINION

We affirm the aforementioned rejections.

The Appellants state that the claims stand or fall together (Br. 6). Even though an additional reference is applied to some of the dependent claims, the Appellants do not argue the separate patentability of those claims (Br. 11-12). We therefore limit our discussion to one claim, i.e., claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004).

Gatley states that there would be considerable attraction to slot machine players if a slot machine (which Gatley calls a fruit machine) provides a choice of games in one machine cabinet (p. 1, ll. 32-34). Gatley's slot machine "comprises a machine cabinet carrying on one side thereof two game display units adapted to display first and second independently playable fruit machine games" (p. 2, ll. 5-8). A player can play two games simultaneously on one machine (p. 3, ll. 8-17). "The machine may have a common or independent controller for implementing the two machine games" (p. 3, ll. 1-2). "A common credit register may be provided, the arrangement being such that credits on the register may be utilised by the player to play either game. Similarly, a common credit register may be provided to record winnings not yet taken, the winnings resulting from games played on either game module" (p. 2, ll. 32-36).

Piechowiak discloses a slot machine having multiple paylines (col. 9, ll. 13-25).

Itkis discloses a distributed game network comprising a master game device used by a game operator and a number of slave game devices used by

players (col. 1, ll. 41-43; col. 2, ll. 63-65). “The master and slave game devices communicate with each other over the network. The slave game devices receive from the master game device commands and random data, such as bingo patterns and bingo and keno numbers called by the game operator. Each slave game device sends to the master game device the local game status and accounting information. The slave game devices execute in real time (play) concurrently a number of menu-selectable card and chance games, such as bingo, keno, poker, blackjack, and the like” (col. 1, ll. 43-53). A slave game device can play simultaneously a number of independent and distinct games of the same type (col. 5, ll. 37-38). The disclosed games include slots (col. 6, ll. 21-26).

There is no dispute as to whether Piechowiak would have fairly suggested, to one of ordinary skill in the art, using multiple paylines in Gatley’s slot machine (Br. 8-9).

The Appellants argue that Itkis displays common event games such as bingo and keno on the screen of a dumb terminal, and does not disclose displaying on the screen two independent slot machine games (Br. 9). The dumb terminal referred to by the Appellants is what Itkis calls “an intelligent (smart) game terminal” comprising a microprocessor, a local data input and output device, and a transceiver (col. 2, ll. 57-62). Itkis’ disclosures that the games are independent and distinct, the games include slots, and the slave game device can play simultaneously a number of games of the same type (col. 5, ll. 37-38; col. 6, ll. 21-26) would have fairly suggested, to one of ordinary skill in the art, playing at least two

independent and distinct slot games simultaneously on the same slave game device. As with all of Itkis' games, each of those games would be displayed on a single screen (col. 2, ll. 36-38).

The Appellants argue that "a person of ordinary skill in the art would not look to Itkis for the suggestion to display a first slot game and a second slot game independently on the same video screen to a single player" (Br. 10), but the Appellants provide no explanation as to why that would be so.

The Appellants argue incorrectly that Itkis' games do not operate independently from each other (Br. 10-11). Itkis discloses that the at least two games are different, distinct and independent (col. 6, ll. 21-22).

The Appellants argue that Itkis would have fairly suggested, to one of ordinary skill in the art, only bi-directional communication between a central computer and a plurality of dumb terminals to display the same results of two slot games to each player at each dumb terminal (Br. 10-11). That argument is not well taken, because the Appellants are arguing the reference individually when the rejection is based upon a combination of references. *See In re Keller*, 642 F.2d 413, 426, 208 USPQ 871, 882 (CCPA 1981); *In re Young*, 403 F.2d 754, 757-58, 159 USPQ 725, 728 (CCPA 1968). Given the combined teachings of Gatley and Itkis, one of ordinary skill in the art would have appreciated that Itkis' display of multiple slot machine games on a single screen would be a way of accomplishing Gatley's goal of displaying two independently playable slot machine games in a single cabinet (col. 1, l. 32 – col. 2, l. 14).

Appeal 2006-2836
Application 09/923,673

For the above reasons we conclude that the Appellants' claimed invention would have been obvious to one of ordinary skill in the art over the applied prior art.

DECISION

The rejections under 35 U.S.C. § 103 of claims 1-7, 10, 19, 20 and 25-27 over Gatley in view of Piechowiak and Itkis, and claims 21-24 over Gatley in view of Piechowiak, Itkis and Thomas, are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a) .

AFFIRMED

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